IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.660 OF 1994

Jindal Dye Intermediate Ltd. .. Petitioner

V/s

Union of India & Ors. .. Respondents

Shri. Seeraj Rustom Jee with Sonu Tandon i/b. DSK
Legal for the Petitioner.

Shri. A.J. Rana, Senior Counsel with Shri. M.Shah for
the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATE : 30th JANUARY, 2006

P.C.:

1. Heard learned Counsel for the Petitioner and the learned Counsel for the Respondents. It appears that the Petitioner has already cleared the goods pursuant to the interim order passed on 21st March, 1994 whereby the Petitioner was permitted to deposit 50% of the duty amount involved and to furnish a bank guarantee for the balance 50% duty amount. The learned Counsel states that the said bank guarantee will be kept alive.

2. Pursuant to the order passed on 21st March, 1994, the Petitioner has already cleared goods, however, the Respondents have still to adjudicate the claim with regard to show cause notice dated 27th December, 1993. Having regard to the aforesaid facts

and circumstances of the case, we direct the concerned authority to adjudicate the said show cause notice dated 27th December, 1993 as expeditiously as possible preferably within a period of three months from today.

3. Needless to say that the Petitioner shall keep the bank guarantee alive till the adjudication order is passed in the show cause notice and for a further period of four weeks thereafter. In the event, the adjudication order goes adverse to the Petitioner, we make it clear that the Respondents will be entitled for the interest @ 9% per annum on the amount of bank guarantee. It appears that at the time of admission of the petition, the Petitioner had undertaken that in the event of dismissal of writ petition, the Petitioner shall pay the interest as determined by this Court. Accordingly we fix the interest @ 9% per annum on the bank guarantee. Writ Petition stands disposed of accordingly.

(DR.S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)